

Exhibit 12

Page 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

NIKE, INC.;)
)
 Plaintiff,)
)
 vs.) Case No.
) 1:22-cv-00983-VEC
STOCKX, LLC;)
)
 Defendant.)
)

VIDEOTAPED DEPOSITION OF ROY IKHYUN KIM

San Diego, California

Wednesday, February 8, 2023

Reported by:

Lynda L. Fenn, CSR, RPR

CSR No. 12566

			Page 14	Page 16
1	E X H I B I T S (Continued)		1	I N D E X (Continued)
2			2	
3	NUMBER	DESCRIPTION	3	INFORMATION REQUESTED
4			4	
5	Exhibit 39	A nine-page document entitled	78	5
6		Page Vault; NIKE0036330 -		6
7		NIKE0036338		7
8			8	INSTRUCTION NOT TO ANSWER
9	Exhibit 40	A one-page email from Roy Kim	82	9
10		to Tamar Duvdevani, July 11,		10
11		2022; NIKE0029007		11
12			12	
13	Exhibit 41	A four-page email chain ending	86	13
14		with an email from Roy Kim to		14
15		Russ Amidon, August two, 2022;		15
16		STX0772942 - STX0772945		16
17			17	
18	Exhibit 42	A 66-page document beginning	94	18
19		with an email from StockX to		19
20		Roy Kim, August two, 2022;		20
21		RK000137 - RK000202		21
22			22	
23			23	
24			24	
25			25	
			Page 15	Page 17
1	E X H I B I T S (Continued)		1	San Diego, California
2			2	Wednesday, February 8, 2023
3	NUMBER	DESCRIPTION	3	9:56 a.m. - 1:40 p.m.
4			4	
5	Exhibit 43	A four-page email chain ending	144	5
6		with an email from Russ Amidon		6
7		to Roy Kim, July seven, 2022;		7
8		RK000018 - RK000021		8
9			9	THE VIDEOGRAPHER: Good morning. We're
10	Exhibit 44	A six-page email chain ending	148	10
11		with an email from StockX to		11
12		Roy Kim, July 25, 2022;		12
13		RK000022 - RK000027		13
14		155		14
15	Exhibit 45	A one-page printed from		15
16		Instagram; STX0774399		16
17			17	This is media unit one of the
18	Exhibit 46	An eight-page email chain	159	18
19		ending with an email from Tamar		19
20		Duvdevani to Roy Kim, July ten,		20
21		2022; RX000002 - RK000009		21
22			22	The location of this deposition is 4365
23			23	Executive Drive, DLA Piper, Fourth Floor, San Diego,
24			24	California.
25			25	My name is Gregg Eisman representing
				Veritext and I'm the videographer. The court

5 (Pages 14 - 17)

<p style="text-align: right;">Page 34</p> <p>1 and is attached hereto.)</p> <p>2 BY MS. REINCKENS:</p> <p>3 Q Mr. Kim, what is your email address?</p> <p>4 A Roy I. Kim at Gmail dot-com.</p> <p>5 Q Is this the only email address you used to</p> <p>6 contact StockX?</p> <p>7 A It is.</p> <p>8 Q All right.</p> <p>9 Now, the court reporter has handed you a</p> <p>10 document that's been marked as Exhibit No. KIM 1.</p> <p>11 Do you have that in front of you?</p> <p>12 A I do.</p> <p>13 Q Okay.</p> <p>14 What is this document?</p> <p>15 A This is an email of an order of a shoe that</p> <p>16 I purchased from StockX.</p> <p>17 Q Okay.</p> <p>18 And when do you receive one of these emails</p> <p>19 from StockX?</p> <p>20 A I'm sorry?</p> <p>21 Q When do you receive one of these emails</p> <p>22 from StockX?</p> <p>23 A You receive this email -- I received this</p> <p>24 email when an order goes through StockX and I paid</p> <p>25 for it and I commit to buying it.</p>	<p style="text-align: right;">Page 36</p> <p>1 your purchase?</p> <p>2 A It is.</p> <p>3 Q And what type of shoe is this order for?</p> <p>4 A This is a Jordan 1 University Blue.</p> <p>5 Q And if you look at the Bates numbered page</p> <p>6 RK 000029 it says, "Condition."</p> <p>7 Do you see that, sir?</p> <p>8 A Oh, yeah, it says, "Condition: New, one</p> <p>9 hundred percent authentic."</p> <p>10 Q Okay.</p> <p>11 And did you receive this order from StockX?</p> <p>12 A I did.</p> <p>13 Q All right.</p> <p>14 You can put that to the side and I'll</p> <p>15 apologize in advance, we are going to be going</p> <p>16 through a lot of these in a similar fashion.</p> <p>17 MS. REINCKENS: Would you mark this as</p> <p>18 Exhibit No. KIM 2.</p> <p>19 (Plaintiff's Exhibit 2 was marked for</p> <p>20 identification by the Certified Shorthand Reporter</p> <p>21 and is attached hereto.)</p> <p>22 MS. REINCKENS: Okay.</p> <p>23 BY MS. REINCKENS:</p> <p>24 Q Mr. Kim, the court reporter has handed you</p> <p>25 an exhibit marked as Exhibit No. KIM 2.</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Okay.</p> <p>2 So it's after you purchased a product from</p> <p>3 StockX; correct?</p> <p>4 A Yes, that's correct.</p> <p>5 Q All right.</p> <p>6 And in your experience do you typically</p> <p>7 receive an order confirmation from StockX after</p> <p>8 purchasing?</p> <p>9 A Yes, almost immediately.</p> <p>10 Q So was the date the order was confirmed on</p> <p>11 or around the date of the purchase then?</p> <p>12 A Yes, it would be --</p> <p>13 MR. POTTER: Objection; form.</p> <p>14 THE WITNESS: Oh, sorry.</p> <p>15 Yes, it would be right around the date of</p> <p>16 the email.</p> <p>17 MS. REINCKENS: Okay.</p> <p>18 BY MS. REINCKENS:</p> <p>19 Q Now, looking at Exhibit No. KIM 1, what</p> <p>20 date is shown here for that?</p> <p>21 A May 30th, 2022.</p> <p>22 Q Okay.</p> <p>23 And what order number is this?</p> <p>24 A This is Order No. 37857795, dash, 37757554.</p> <p>25 Q Is this document an accurate reflection of</p>	<p style="text-align: right;">Page 37</p> <p>1 Do you have that in front of you?</p> <p>2 A I do.</p> <p>3 Q All right.</p> <p>4 And do you recognize this document?</p> <p>5 A I do.</p> <p>6 Q And what is it?</p> <p>7 A It is an order purchase confirmation from</p> <p>8 StockX.</p> <p>9 Q Okay.</p> <p>10 And what date did you receive this email?</p> <p>11 A Dated May 30th, 2022.</p> <p>12 Q And is this document an accurate reflection</p> <p>13 of what you were trying to purchase?</p> <p>14 A It is.</p> <p>15 Q What type of shoe was this order for?</p> <p>16 A This was a Jordan 1 University Blue.</p> <p>17 Q Okay.</p> <p>18 And what's the order number?</p> <p>19 A 37857800, dash, 37757559.</p> <p>20 Q And if you look at RK 32, it, once again,</p> <p>21 says the condition.</p> <p>22 Do you see that?</p> <p>23 A Yes, it's "New, one hundred percent</p> <p>24 authentic."</p> <p>25 Q Did you receive this order from StockX?</p>

10 (Pages 34 - 37)

<p>1 A I did.</p> <p>2 MS. REINCKENS: Mark this is Exhibit</p> <p>3 No. KIM 3.</p> <p>4 (Plaintiff's Exhibit 3 was marked for</p> <p>5 identification by the Certified Shorthand Reporter</p> <p>6 and is attached hereto.)</p> <p>7 MS. REINCKENS: Okay.</p> <p>8 BY MS. REINCKENS:</p> <p>9 Q Mr. Kim, the court reporter has handed you</p> <p>10 a document that's been marked as Exhibit No. KIM 3.</p> <p>11 I'll just say on the record it bear the Bates numbers</p> <p>12 RK 37 through RK 43.</p> <p>13 Do you recognize this document?</p> <p>14 A Yes, it's a series of emails for a shoe I</p> <p>15 bought on the same day with the same shoe size, a</p> <p>16 Jordan 1 University Blue.</p> <p>17 Q Okay.</p> <p>18 And what -- let's take this just in a</p> <p>19 couple of steps here.</p> <p>20 This -- this is an order confirmation then</p> <p>21 for an order of -- is it three pairs of shoes; is</p> <p>22 that right?</p> <p>23 A One, two, three -- yes, three shoes.</p> <p>24 Q Okay.</p> <p>25 And if you would be kind enough just to</p>	Page 38	<p>1 2022.</p> <p>2 Q And what is the order number?</p> <p>3 A Order No. 38917859, dash, 38817618, marked,</p> <p>4 "New, a hundred percent authentic."</p> <p>5 Q And is this document an accurate reflection</p> <p>6 of what you were trying to purchase?</p> <p>7 A Yes.</p> <p>8 Q And did you receive this order from StockX?</p> <p>9 A I did.</p> <p>10 MS. REINCKENS: Exhibit No. KIM 5, please.</p> <p>11 (Plaintiff's Exhibit 5 was marked for</p> <p>12 identification by the Certified Shorthand Reporter</p> <p>13 and is attached hereto.)</p> <p>14 BY MS. REINCKENS:</p> <p>15 Q Mr. Kim, you've been handed an exhibit</p> <p>16 marked as Exhibit No. KIM 5 and it bears the Bates</p> <p>17 numbers RK 47 through RK 49.</p> <p>18 Do you recognize this document?</p> <p>19 A Yes, it is an email purchase order</p> <p>20 confirmation from StockX for a Jordan 1 University</p> <p>21 Blue, size 12, dated May 30th, 2022, Order</p> <p>22 No. 37858121, dash, 37757880, marked, "New, one</p> <p>23 hundred percent authentic."</p> <p>24 Q And is this document an accurate reflection</p> <p>25 of what you were trying to purchase?</p>	Page 40
<p>1 state on the record the order numbers, please.</p> <p>2 A Yes. The order number for the first one is</p> <p>3 37858112, dash, 37757871.</p> <p>4 The order number for the second pair is</p> <p>5 37864122, dash, 37763881.</p> <p>6 The order number for the third one is</p> <p>7 37881414, dash, 37781173. All marked, "New, a</p> <p>8 hundred percent authentic."</p> <p>9 Q Okay.</p> <p>10 And did you receive these orders from</p> <p>11 StockX?</p> <p>12 A I did.</p> <p>13 Q Okay.</p> <p>14 MS. REINCKENS: Exhibit No. KIM 4.</p> <p>15 THE WITNESS: Thank you.</p> <p>16 (Plaintiff's Exhibit 4 was marked for</p> <p>17 identification by the Certified Shorthand Reporter</p> <p>18 and is attached hereto.)</p> <p>19 BY MS. REINCKENS:</p> <p>20 Q The court reporter has handed you an</p> <p>21 exhibit marked as Exhibit No. KIM 4. It bears the</p> <p>22 Bates numbers RK 44 through RK 46.</p> <p>23 Do you recognize this document?</p> <p>24 A Yes, it is an email confirmation for an</p> <p>25 order made for Jordan 1 University Blue on June 28th,</p>	Page 39	<p>1 A Yes, it is.</p> <p>2 Q And did you receive this order from StockX?</p> <p>3 A I did.</p> <p>4 MS. REINCKENS: Number six, please.</p> <p>5 (Plaintiff's Exhibit 6 was marked for</p> <p>6 identification by the Certified Shorthand Reporter</p> <p>7 and is attached hereto.)</p> <p>8 BY MS. REINCKENS:</p> <p>9 Q Mr. Kim, the court reporter has handed you</p> <p>10 an exhibit marked as Exhibit No. KIM 6. It bears the</p> <p>11 Bates numbers RK 50 through RK 52.</p> <p>12 Do you recognize this document?</p> <p>13 A Yes, it's an email confirmation for a</p> <p>14 StockX purchase of a Jordan 1 University Blue, dated</p> <p>15 May 30th, 2022, Order No. 37857881, dash, 37757640,</p> <p>16 marked, "New, one hundred percent authentic."</p> <p>17 Q And is this document an accurate reflection</p> <p>18 of what you were trying to purchase?</p> <p>19 A Yes, it is.</p> <p>20 Q And did you receive this order from StockX?</p> <p>21 A I did.</p> <p>22 MS. REINCKENS: Exhibit No. KIM 7, please.</p> <p>23 (Plaintiff's Exhibit 7 was marked for</p> <p>24 identification by the Certified Shorthand Reporter</p> <p>25 and is attached hereto.)</p>	Page 41

<p>1 THE WITNESS: Thank you. 2 MS. REINCKENS: Okay. 3 BY MS. REINCKENS: 4 Q Mr. Kim, the court reporter has handed you 5 an exhibit marked as Exhibit No. KIM 7 and it bears 6 the Bates numbers RK 53 through RK 61. 7 Do you recognize this document? 8 A Yes, it's an order -- it's an email thread 9 of an email confirmation from StockX on a purchase of 10 four pairs of Jordan 1 University Blues, dated May 11 30th, 2022. The order numbers are 37857845, dash, 12 37757604. 13 The second order is 37857851, dash, 14 37757610. The next order number is 37858011, dash, 15 37757770. 16 The last order number is 37858015, dash, 17 37757774. All marked, "New, one hundred percent 18 authentic." 19 Q And is this document an accurate reflection 20 of what you were trying to purchase? 21 A It is. 22 Q And did you receive the orders from StockX? 23 A I did. 24 MS. REINCKENS: Number eight, please. 25 (Plaintiff's Exhibit 8 was marked for</p>	<p>Page 42</p> <p>1 THE WITNESS: Thank you. 2 BY MS. REINCKENS: 3 Q Mr. Kim, the court reporter has handed you 4 a document marked as Exhibit No. 9. It bears the 5 Bates numbers RK 65 through RK 67. 6 Do you recognize this document? 7 A I do. It is an email confirmation for a 8 StockX purchase of a Jordan 1 High Hyper Royal, 9 Order -- I'm sorry, dated June first, 2022, Order No. 10 37940815, dash, 37840574 marked, "New, one hundred 11 percent authentic." 12 Q Okay. 13 And is this document an accurate reflection 14 of what you were trying to purchase? 15 A It is. 16 Q And did you receive this order -- 17 A I did. 18 Q -- from StockX? 19 A I did, yes. 20 Q Okay. 21 MS. REINCKENS: And -- all right. Perfect. 22 Thank you. 23 Exhibit No. KIM 10, please. 24 (Plaintiff's Exhibit 10 was marked for 25 identification by the Certified Shorthand Reporter</p>
<p>Page 43</p> <p>1 identification by the Certified Shorthand Reporter 2 and is attached hereto.) 3 MS. REINCKENS: Okay. 4 BY MS. REINCKENS: 5 Q Mr. Kim, the court reporter has handed you 6 a document marked as Exhibit No. KIM 8. It bears the 7 Bates number RK 63 through RK 64. 8 Do you recognize this document? 9 A Yes, I do. 10 Q Okay. What is it? 11 A It is an email confirmation for a StockX 12 purchase of the Jordan 1 Hyper Royal, dated June 13 ninth, 2022, with the Order No. 38216724, dash, 14 38116483 marked, "New, one hundred percent 15 authentic." 16 Q And is this document an accurate reflection 17 of what you were trying to purchase? 18 A It is. 19 Q And did you receive this order from StockX? 20 A I did. 21 MS. REINCKENS: This is Exhibit No. KIM 9, 22 please. 23 (Plaintiff's Exhibit 9 was marked for 24 identification by the Certified Shorthand Reporter 25 and is attached hereto.)</p>	<p>Page 45</p> <p>1 and is attached hereto.) 2 MS. REINCKENS: Okay. 3 BY MS. REINCKENS: 4 Q Mr. Kim, you've been handed a document 5 marked as Exhibit No. KIM 10 and it is -- bears the 6 Bates numbers RK 68 through RK 70. 7 Do you recognize this document? 8 A I do. It is an email confirmation for a 9 StockX purchase of a Jordan 1 High Hyper Royal, dated 10 June first, 2022. It has the Order No. 37960474, 11 dash, 37860233, marked, "New, one hundred percent 12 authentic." 13 Q And is this document an accurate reflection 14 of what you were trying to purchase? 15 A It is. 16 Q And did you receive this order from StockX? 17 A I did. 18 MS. REINCKENS: Exhibit No. KIM 11, please. 19 (Plaintiff's Exhibit 11 was marked for 20 identification by the Certified Shorthand Reporter 21 and is attached hereto.) 22 BY MS. REINCKENS: 23 Q Mr. Kim, you've been handed an exhibit 24 marked Exhibit No. KIM 11. It bears the Bates 25 numbers RK 71 through RK 73.</p>

12 (Pages 42 - 45)

<p style="text-align: right;">Page 46</p> <p>1 Do you recognize this document?</p> <p>2 A Yes, it is an email confirmation for a</p> <p>3 StockX order of a Jordan 1 High Hyper Royal, dated</p> <p>4 June second, 2022, bearing Order No. 37981780, dash,</p> <p>5 37881539, listed as "New, one hundred percent</p> <p>6 authentic."</p> <p>7 Q And is this a document -- is this document</p> <p>8 an accurate reflection of what you were trying to</p> <p>9 purchase?</p> <p>10 A It is.</p> <p>11 Q And did you receive this order from StockX?</p> <p>12 A I did.</p> <p>13 MS. REINCKENS: Exhibit No. KIM 12, please.</p> <p>14 (Plaintiff's Exhibit 12 was marked for</p> <p>15 identification by the Certified Shorthand Reporter</p> <p>16 and is attached hereto.)</p> <p>17 BY MS. REINCKENS:</p> <p>18 Q Mr. Kim, you've been handed a document</p> <p>19 marked as Exhibit No. KIM 12. It bears the Bates</p> <p>20 numbers RK 74 through RK 76.</p> <p>21 Do you recognize this document?</p> <p>22 A Yes, it's an email confirmation for a</p> <p>23 StockX purchase of a Jordan 1 Hyper Royal, dated May</p> <p>24 30th, 2022, Order No. 37873383, dash, 37773142,</p> <p>25 "Condition: New, one hundred percent authentic."</p>	<p style="text-align: right;">Page 48</p> <p>1 (Plaintiff's Exhibit 14 was marked for</p> <p>2 identification by the Certified Shorthand Reporter</p> <p>3 and is attached hereto.)</p> <p>4 BY MS. REINCKENS:</p> <p>5 Q Mr. Kim, you've been handed a document</p> <p>6 marked as Exhibit No. KIM 14. It bears the Bates</p> <p>7 numbers KIM -- RK 80 through RK 82.</p> <p>8 Do you recognize this document?</p> <p>9 A I do. It is an email confirmation for a</p> <p>10 StockX purchase of a Jordan 1 University Blue, dated</p> <p>11 May 30th, 2022, Order No. 37857778, dash, 37757537,</p> <p>12 marked, "New, one hundred percent authentic."</p> <p>13 Q Is this document an accurate reflection of</p> <p>14 what you were trying to purchase?</p> <p>15 A It is.</p> <p>16 Q And did you receive this order from StockX?</p> <p>17 A I did.</p> <p>18 (Plaintiff's Exhibit 15 was marked for</p> <p>19 identification by the Certified Shorthand Reporter</p> <p>20 and is attached hereto.)</p> <p>21 BY MS. REINCKENS:</p> <p>22 Q Mr. Kim, you've been handed a document</p> <p>23 marked as Exhibit No. KIM 15. It bears the Bates</p> <p>24 numbers RK 83 through RK 85.</p> <p>25 Do you recognize this document?</p>
<p style="text-align: right;">Page 47</p> <p>1 Q And is this document an accurate reflection</p> <p>2 of what you were trying to purchase?</p> <p>3 A It is.</p> <p>4 Q And did you receive this order from StockX?</p> <p>5 A I did.</p> <p>6 MS. REINCKENS: Exhibit No. KIM 13.</p> <p>7 (Plaintiff's Exhibit 13 was marked for</p> <p>8 identification by the Certified Shorthand Reporter</p> <p>9 and is attached hereto.)</p> <p>10 BY MS. REINCKENS:</p> <p>11 Q Mr. Kim, you've been handed a document</p> <p>12 that's been marked as Exhibit No. KIM 13. It bears</p> <p>13 the Bates numbers RK 77 through RK 79.</p> <p>14 Do you recognize this document?</p> <p>15 A Yes, it is an email confirmation for a</p> <p>16 StockX purchase of a Jordan 1 University Blue, dated</p> <p>17 May 30th, 2022, Order No. 37857774, dash, 377575333,</p> <p>18 marked with the "Condition: New, one hundred percent</p> <p>19 authentic."</p> <p>20 Q And is this document an accurate reflection</p> <p>21 of what you were trying to purchase?</p> <p>22 A It is.</p> <p>23 Q Did you receive this order from StockX?</p> <p>24 A I did.</p> <p>25 MS. REINCKENS: Exhibit No. KIM 14.</p>	<p style="text-align: right;">Page 49</p> <p>1 A I do. It is an email confirmation for a</p> <p>2 StockX purchase of a Jordan 1 University Blue, dated</p> <p>3 May 30th, 2022, bearing Order No. 37857930, dash,</p> <p>4 37757689, "Condition: New, one hundred percent</p> <p>5 authentic."</p> <p>6 Q And is this document an accurate reflection</p> <p>7 of what you were trying to purchase?</p> <p>8 A It is.</p> <p>9 Q Did you receive this order from StockX?</p> <p>10 A I did.</p> <p>11 Q Exhibit No. KIM 16.</p> <p>12 A Thank you.</p> <p>13 (Plaintiff's Exhibit 16 was marked for</p> <p>14 identification by the Certified Shorthand Reporter</p> <p>15 and is attached hereto.)</p> <p>16 MS. REINCKENS: Okay.</p> <p>17 BY MS. REINCKENS:</p> <p>18 Q Mr. Kim, you've been handed an exhibit</p> <p>19 marked as Exhibit No. KIM 16. It bears the Bates</p> <p>20 numbers RK 86 through RK 88.</p> <p>21 Do you recognize this document?</p> <p>22 A Yes, it is an email confirmation for a</p> <p>23 StockX purchase of the Jordan 1 University Blue,</p> <p>24 dated May 30th, 2011, bearing Order No. 37857919,</p> <p>25 dash, 37757678, "Condition: New, one hundred percent</p>

<p>1 authentic."</p> <p>2 Q And is this document an accurate reflection</p> <p>3 of what you were trying to purchase?</p> <p>4 A It is.</p> <p>5 Q Did you receive this order from StockX?</p> <p>6 A I did.</p> <p>7 MS. REINCKENS: Exhibit No. KIM 17.</p> <p>8 (Plaintiff's Exhibit 17 was marked for</p> <p>9 identification by the Certified Shorthand Reporter</p> <p>10 and is attached hereto.)</p> <p>11 BY MS. REINCKENS:</p> <p>12 Q Mr. Kim, you've been handed a document</p> <p>13 marked as Exhibit No. KIM 17. It bears the Bates</p> <p>14 numbers RK 89 through RK 91.</p> <p>15 Do you recognize this document?</p> <p>16 A I do. It is an email confirmation for a</p> <p>17 StockX purchase of a Jordan 1 University Blue, dated</p> <p>18 May 30th, 2022, Order No. 37857913, dash, 37757672,</p> <p>19 "Condition: New, one hundred percent authentic."</p> <p>20 Q And is this document an accurate reflection</p> <p>21 of what you were trying to purchase?</p> <p>22 A It is.</p> <p>23 Q And did you receive this order from StockX?</p> <p>24 A I did.</p> <p>25 MS. REINCKENS: Exhibit No. KIM 18, please.</p>	<p>Page 50</p> <p>1 BY MS. REINCKENS:</p> <p>2 Q Mr. Kim, you've been handed a document</p> <p>3 marked Exhibit No. KIM 19. It bears the Bates</p> <p>4 numbers RK 95 through RK 97.</p> <p>5 Do you recognize this document?</p> <p>6 A Yes. It's an email confirmation for a</p> <p>7 StockX purchase of a Jordan 1 University Blue, dated</p> <p>8 May 30th, 2022, Order No. 37857996, dash, 37757755,</p> <p>9 "Condition: New, one hundred percent authentic."</p> <p>10 Q And is this document an accurate reflection</p> <p>11 of what you were trying to purchase?</p> <p>12 A It is.</p> <p>13 Q And did you receive this order from StockX?</p> <p>14 A I did.</p> <p>15 (Plaintiff's Exhibit 20 was marked for</p> <p>16 identification by the Certified Shorthand Reporter</p> <p>17 and is attached hereto.)</p> <p>18 BY MS. REINCKENS:</p> <p>19 Q Mr. Kim, you've been handed a document</p> <p>20 marked as Exhibit No. KIM 20 and it bears the Bates</p> <p>21 numbers RK 98 through RK 100.</p> <p>22 Do you recognize this document?</p> <p>23 A I do. It is an email confirmation for a</p> <p>24 StockX purchase of a Jordan 1 University Blue, dated</p> <p>25 May 30th, 2022, bearing Order No. 37857805, dash,</p>
<p>1 (Plaintiff's Exhibit 18 was marked for</p> <p>2 identification by the Certified Shorthand Reporter</p> <p>3 and is attached hereto.)</p> <p>4 THE WITNESS: Thank you.</p> <p>5 BY MS. REINCKENS:</p> <p>6 Q Mr. Kim, the court reporter has handed you</p> <p>7 a document marked Exhibit No. KIM 18. It bears the</p> <p>8 Bates numbers RK 92 through RK 94.</p> <p>9 Do you recognize this document?</p> <p>10 A Yes, it is an email confirmation for a</p> <p>11 StockX purchase of a Jordan 1 University Blue, dated</p> <p>12 May 30th, 2022, bearing Order No. 37857871, dash,</p> <p>13 37757630 "Condition: New, one hundred percent</p> <p>14 authentic."</p> <p>15 Q And is this document an accurate reflection</p> <p>16 of what you were trying to purchase?</p> <p>17 A It is.</p> <p>18 Q And did you receive this order from StockX?</p> <p>19 A I did.</p> <p>20 MS. REINCKENS: Exhibit No. KIM 19, please.</p> <p>21 (Plaintiff's Exhibit 19 was marked for</p> <p>22 identification by the Certified Shorthand Reporter</p> <p>23 and is attached hereto.)</p> <p>24 THE WITNESS: Thank you.</p> <p>25 //</p>	<p>Page 51</p> <p>1 37757564, "Condition: New, one hundred percent</p> <p>2 authentic."</p> <p>3 Q And is this document an accurate reflection</p> <p>4 of what you were trying to purchase?</p> <p>5 A It is.</p> <p>6 Q And did you receive this order from StockX?</p> <p>7 A I did.</p> <p>8 Q We're making progress.</p> <p>9 A I bought so many shoes, now I know why this</p> <p>10 takes so long.</p> <p>11 Thank you.</p> <p>12 Q Mr. Kim, the court reporter has handed you</p> <p>13 an exhibit marked as Exhibit No. KIM 21.</p> <p>14 (Plaintiff's Exhibit 21 was marked for</p> <p>15 identification by the Certified Shorthand Reporter</p> <p>16 and is attached hereto.)</p> <p>17 BY MS. REINCKENS:</p> <p>18 Q It bears the Bates numbers RK 101 through</p> <p>19 RK 103.</p> <p>20 Do you recognize this document?</p> <p>21 A Yes, it is an email confirmation for a</p> <p>22 StockX purchase of a Jordan 1 University Blue, dated</p> <p>23 May 30th, 2022, Order No. 37857998, dash, 37757757,</p> <p>24 the condition is new, one hundred percent authentic.</p> <p>25 Q Is this document an accurate reflection of</p>

<p style="text-align: right;">Page 54</p> <p>1 what you were trying to purchase?</p> <p>2 A It is.</p> <p>3 Q Did you receive this order from StockX?</p> <p>4 A I did.</p> <p>5 MS. REINCKENS: Exhibit No. KIM 22.</p> <p>6 (Plaintiff's Exhibit 22 was marked for</p> <p>7 identification by the Certified Shorthand Reporter</p> <p>8 and is attached hereto.)</p> <p>9 THE WITNESS: Thank you.</p> <p>10 BY MS. REINCKENS:</p> <p>11 Q Mr. Kim, the court reporter has handed you</p> <p>12 an exhibit marked as Exhibit No. KIM 22. It bears</p> <p>13 the Bates numbers RK 104 through RK 106.</p> <p>14 Do you recognize this document?</p> <p>15 A I do. It is an email confirmation for a</p> <p>16 StockX purchase of a Jordan 1 Dark Mocha, dated June</p> <p>17 sixth, 2022, bearing Order Number 38124114, dash,</p> <p>18 38023873, "Condition: New, one hundred percent</p> <p>19 authentic."</p> <p>20 Q And is this document an accurate reflection</p> <p>21 of what you were trying to purchase?</p> <p>22 A It is.</p> <p>23 Q Did you receive this order from StockX?</p> <p>24 A I did.</p> <p>25 (Plaintiff's Exhibit 23 was marked for</p>	<p style="text-align: right;">Page 56</p> <p>1 a document marked as Exhibit No. KIM 24. It bears</p> <p>2 the Bates numbers RK 110 through RK 112.</p> <p>3 Do you recognize this document?</p> <p>4 A Yes, it's an email confirmation for a</p> <p>5 StockX purchase of a Jordan 1 Dark Mocha, dated May</p> <p>6 31st, 2022, bearing Order No. 37888982, dash,</p> <p>7 37788741. The condition is marked as "New, one</p> <p>8 hundred percent authentic."</p> <p>9 Q And is this document an accurate reflection</p> <p>10 of what you were trying to purchase?</p> <p>11 A It is.</p> <p>12 Q Did you receive this order from StockX?</p> <p>13 A I did.</p> <p>14 (Plaintiff's Exhibit 25 was marked for</p> <p>15 identification by the Certified Shorthand Reporter</p> <p>16 and is attached hereto.)</p> <p>17 BY MS. REINCKENS:</p> <p>18 Q Mr. Kim, the court reporter has handed you</p> <p>19 an exhibit marked as Exhibit No. KIM 25. It bears</p> <p>20 the Bates numbers RK 113 through RK 115.</p> <p>21 Do you recognize this document?</p> <p>22 A I do. It is an email confirmation for a</p> <p>23 StockX purchase of a Jordan 1 Dark Mocha, dated May</p> <p>24 30th, 2022, bearing Order No. 37858043, dash,</p> <p>25 37757802. The condition is marked as "New, one</p>
<p style="text-align: right;">Page 55</p> <p>1 identification by the Certified Shorthand Reporter</p> <p>2 and is attached hereto.)</p> <p>3 THE WITNESS: Thank you.</p> <p>4 MS. REINCKENS: Okay.</p> <p>5 BY MS. REINCKENS:</p> <p>6 Q Mr. Kim, the court reporter has handed you</p> <p>7 an exhibit marked as Exhibit No. KIM 23. It bears</p> <p>8 the Bates numbers RK 107 through RK 109.</p> <p>9 Do you recognize this document?</p> <p>10 A I do. It is an email confirmation for a</p> <p>11 StockX purchase of a Jordan 1 Dark Mocha, dated June</p> <p>12 seventh, 2022, bearing Order No. 38157530, dash,</p> <p>13 38057289. The condition is marked as "New, one</p> <p>14 hundred percent authentic."</p> <p>15 Q And is this document an accurate reflection</p> <p>16 of what you were trying to purchase?</p> <p>17 A It is.</p> <p>18 Q Did you receive this order from StockX?</p> <p>19 A I did.</p> <p>20 MS. REINCKENS: Exhibit No. KIM 24.</p> <p>21 (Plaintiff's Exhibit 24 was marked for</p> <p>22 identification by the Certified Shorthand Reporter</p> <p>23 and is attached hereto.)</p> <p>24 BY MS. REINCKENS:</p> <p>25 Q Mr. Kim, the court reporter has handed you</p>	<p style="text-align: right;">Page 57</p> <p>1 hundred percent authentic."</p> <p>2 Q Is this document an accurate reflection of</p> <p>3 what you were trying to purchase?</p> <p>4 A It is.</p> <p>5 Q Did you receive this order from StockX?</p> <p>6 A I did.</p> <p>7 MS. REINCKENS: Thank you. Exhibit No. KIM</p> <p>8 26.</p> <p>9 (Plaintiff's Exhibit 26 was marked for</p> <p>10 identification by the Certified Shorthand Reporter</p> <p>11 and is attached hereto.)</p> <p>12 THE WITNESS: Thank you.</p> <p>13 BY MS. REINCKENS:</p> <p>14 Q Mr. Kim, the court reporter has handed you</p> <p>15 a document marked as Exhibit No. KIM 26. It bears</p> <p>16 the Bates numbers RK 116 through RK 118.</p> <p>17 Do you recognize this document?</p> <p>18 A Yes, it's an email confirmation for a</p> <p>19 StockX purchase of a -- excuse me, a Jordan 1 Dark</p> <p>20 Mocha, dated June seventh, 2022, bearing Order No.</p> <p>21 38161749, dash, 38061508. The condition is marked as</p> <p>22 "New, one hundred percent authentic."</p> <p>23 Q Is this document an accurate reflection of</p> <p>24 what you were trying to purchase?</p> <p>25 A It is.</p>

<p>1 Q Did you receive this order from StockX?</p> <p>2 A I did.</p> <p>3 MS. REINCKENS: Exhibit No. KIM 27.</p> <p>4 (Plaintiff's Exhibit 27 was marked for</p> <p>5 identification by the Certified Shorthand Reporter</p> <p>6 and is attached hereto.)</p> <p>7 THE WITNESS: Thank you.</p> <p>8 BY MS. REINCKENS:</p> <p>9 Q Mr. KIM, you've been handed an exhibit</p> <p>10 marked as Exhibit No. KIM 27 bearing the Bates</p> <p>11 numbers RK 119 through RK 121.</p> <p>12 Do you recognize this document?</p> <p>13 A Yes. It's an email confirmation for a</p> <p>14 StockX purchase of a Jordan 1 Dark Mocha, dated May</p> <p>15 31, 2022, bearing Order No. 37892676, dash, 37792435.</p> <p>16 The condition is marked as "New, one hundred percent</p> <p>17 authentic."</p> <p>18 Q Is this document an accurate reflection of</p> <p>19 what you were trying to purchase?</p> <p>20 A It is.</p> <p>21 Q Did you receive this order from StockX?</p> <p>22 A I did.</p> <p>23 Q Down to the last five.</p> <p>24 A All right. I thought it was 300.</p> <p>25 MS. REINCKENS: Exhibit No. KIM 28.</p>	<p>Page 58</p> <p>1 BY MS. REINCKENS:</p> <p>2 Q Mr. KIM, you've been handed a document</p> <p>3 that's been marked as Exhibit No. 29, bearing the Bates</p> <p>4 numbers RK 125 through RK 127.</p> <p>5 Do you recognize this document?</p> <p>6 A I do. It is an email confirmation for a</p> <p>7 StockX purchase of a Jordan 1 Dark Mocha, dated May</p> <p>8 31st, 2022, bearing Order No. 37888697, dash,</p> <p>9 37788456. The condition is marked as "New, one</p> <p>10 hundred percent authentic."</p> <p>11 Q And is this document an accurate reflection</p> <p>12 of what you were trying to purchase?</p> <p>13 A It is.</p> <p>14 Q Did you receive this order from StockX?</p> <p>15 A I did.</p> <p>16 Q I'm getting a workout.</p> <p>17 (Plaintiff's Exhibit 30 was marked for</p> <p>18 identification by the Certified Shorthand Reporter</p> <p>19 and is attached hereto.)</p> <p>20 THE WITNESS: Thank you.</p> <p>21 BY MS. REINCKENS:</p> <p>22 Q Mr. KIM, you've been handed a document</p> <p>23 marked as Exhibit No. KIM 30. It bears the Bates</p> <p>24 numbers RK 128 through RK 130.</p> <p>25 Do you recognize this document?</p>
<p>1 (Plaintiff's Exhibit 28 was marked for</p> <p>2 identification by the Certified Shorthand Reporter</p> <p>3 and is attached hereto.)</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MS. REINCKENS: Okay.</p> <p>6 BY MS. REINCKENS:</p> <p>7 Q Mr. Kim, you've been handed a document</p> <p>8 marked as Exhibit No. KIM 28. It bears the Bates</p> <p>9 numbers RK 122 through RK 124.</p> <p>10 Do you recognize this document?</p> <p>11 A I do. It is an email confirmation for a</p> <p>12 StockX purchase of a Jordan 1 Dark Mocha, dated May</p> <p>13 30, 2022, Order No. 37858075, dash, 37757834. The</p> <p>14 condition is marked as "New, one hundred percent</p> <p>15 authentic."</p> <p>16 Q Is this document an accurate reflection of</p> <p>17 what you were trying to purchase?</p> <p>18 A It is.</p> <p>19 Q Did you receive this order from StockX?</p> <p>20 A I did.</p> <p>21 MS. REINCKENS: Exhibit No. KIM 29, please.</p> <p>22 (Plaintiff's Exhibit 29 was marked for</p> <p>23 identification by the Certified Shorthand Reporter</p> <p>24 and is attached hereto.)</p> <p>25 THE WITNESS: Thank you.</p>	<p>Page 59</p> <p>1 A I do. It is an email confirmation for a</p> <p>2 StockX order of a Jordan 1 Hyper Royal, dated June</p> <p>3 sixth, 2022, bearing Order No. 38130181, dash,</p> <p>4 38029940. The condition is marked as "New, one</p> <p>5 hundred percent authentic."</p> <p>6 Q And is this document an accurate reflection</p> <p>7 of what you were trying to purchase?</p> <p>8 A It is.</p> <p>9 Q Did you receive this order from StockX?</p> <p>10 A I did.</p> <p>11 MS. REINCKENS: Exhibit No. KIM 31, please.</p> <p>12 (Plaintiff's Exhibit 31 was marked for</p> <p>13 identification by the Certified Shorthand Reporter</p> <p>14 and is attached hereto.)</p> <p>15 THE WITNESS: Thank you.</p> <p>16 BY MS. REINCKENS:</p> <p>17 Q Mr. Kim, you've been handed an exhibit</p> <p>18 marked as Exhibit No. KIM 31. It bears the Bates</p> <p>19 numbers RK 131 through RK 133.</p> <p>20 Do you recognize this document?</p> <p>21 A I do. It is an email confirmation for a</p> <p>22 StockX purchase of a Jordan 1 Hyper Royal, dated June</p> <p>23 fourth, 2022, bearing Order No. 38068072, dash,</p> <p>24 37967831. The condition is marked as "New, one</p> <p>25 hundred percent authentic."</p>
<p>1 (Plaintiff's Exhibit 28 was marked for</p> <p>2 identification by the Certified Shorthand Reporter</p> <p>3 and is attached hereto.)</p> <p>4 THE WITNESS: Thank you.</p> <p>5 MS. REINCKENS: Okay.</p> <p>6 BY MS. REINCKENS:</p> <p>7 Q Mr. Kim, you've been handed a document</p> <p>8 marked as Exhibit No. KIM 28. It bears the Bates</p> <p>9 numbers RK 122 through RK 124.</p> <p>10 Do you recognize this document?</p> <p>11 A I do. It is an email confirmation for a</p> <p>12 StockX purchase of a Jordan 1 Dark Mocha, dated May</p> <p>13 30, 2022, Order No. 37858075, dash, 37757834. The</p> <p>14 condition is marked as "New, one hundred percent</p> <p>15 authentic."</p> <p>16 Q Is this document an accurate reflection of</p> <p>17 what you were trying to purchase?</p> <p>18 A It is.</p> <p>19 Q Did you receive this order from StockX?</p> <p>20 A I did.</p> <p>21 MS. REINCKENS: Exhibit No. KIM 29, please.</p> <p>22 (Plaintiff's Exhibit 29 was marked for</p> <p>23 identification by the Certified Shorthand Reporter</p> <p>24 and is attached hereto.)</p> <p>25 THE WITNESS: Thank you.</p>	<p>Page 59</p> <p>1 A I do. It is an email confirmation for a</p> <p>2 StockX order of a Jordan 1 Hyper Royal, dated June</p> <p>3 sixth, 2022, bearing Order No. 38130181, dash,</p> <p>4 38029940. The condition is marked as "New, one</p> <p>5 hundred percent authentic."</p> <p>6 Q And is this document an accurate reflection</p> <p>7 of what you were trying to purchase?</p> <p>8 A It is.</p> <p>9 Q Did you receive this order from StockX?</p> <p>10 A I did.</p> <p>11 MS. REINCKENS: Exhibit No. KIM 31, please.</p> <p>12 (Plaintiff's Exhibit 31 was marked for</p> <p>13 identification by the Certified Shorthand Reporter</p> <p>14 and is attached hereto.)</p> <p>15 THE WITNESS: Thank you.</p> <p>16 BY MS. REINCKENS:</p> <p>17 Q Mr. Kim, you've been handed an exhibit</p> <p>18 marked as Exhibit No. KIM 31. It bears the Bates</p> <p>19 numbers RK 131 through RK 133.</p> <p>20 Do you recognize this document?</p> <p>21 A I do. It is an email confirmation for a</p> <p>22 StockX purchase of a Jordan 1 Hyper Royal, dated June</p> <p>23 fourth, 2022, bearing Order No. 38068072, dash,</p> <p>24 37967831. The condition is marked as "New, one</p> <p>25 hundred percent authentic."</p>

<p style="text-align: right;">Page 62</p> <p>1 Q And is this document an accurate reflection 2 of what you were trying to purchase?</p> <p>3 A It is.</p> <p>4 Q Did you receive this order from StockX?</p> <p>5 A I did.</p> <p>6 Q Okay. Last one.</p> <p>7 A All right.</p> <p>8 MS. REINCKENS: Exhibit No. KIM 32.</p> <p>9 (Plaintiff's Exhibit 32 was marked for 10 identification by the Certified Shorthand Reporter 11 and is attached hereto.)</p> <p>12 THE WITNESS: Thank you.</p> <p>13 BY MS. REINCKENS:</p> <p>14 Q Mr. Kim, the court reporter has handed you 15 a document marked as Exhibit No. KIM 32. It bears 16 the Bates numbers RK 134 through RK 136.</p> <p>17 Do you recognize this document?</p> <p>18 A I do. It is an email confirmation for a 19 StockX purchase of a Jordan 1 Hyper Royal, dated May 20 30th, 2022, bearing the Order No. 37870331, dash, 21 37770090. The condition is marked as "New, one 22 hundred percent authentic."</p> <p>23 Q Is this document an accurate reflection of 24 what you were trying to purchase?</p> <p>25 A It is.</p>	<p style="text-align: right;">Page 64</p> <p>1 counsel in this case; is that right?</p> <p>2 A Yes.</p> <p>3 Q And what is this document?</p> <p>4 A So this document is something I pulled off 5 my inventory spreadsheet which indicate the shoes 6 that I bought during this time from StockX that I 7 believed to have been fake.</p> <p>8 The -- column A covers the shoes. Column B 9 covers the condition. C is the style code. D is the 10 size. E is the purchase date. F is a mark that I 11 just made for myself. So these shoes were the ones 12 that failed the -- I believe, like the photo 13 authentication apps.</p> <p>14 So this is kind of like the initial list 15 the shoes that I made just to make sure that I didn't 16 pass these along through, you know, consignment 17 stores, just to set them aside for myself.</p> <p>18 So I believe this list was generated on my 19 first pass of trying to understand whether these 20 shoes were fake or not.</p> <p>21 Q And so you created this spreadsheet 22 yourself?</p> <p>23 A Yes, this is my spreadsheet.</p> <p>24 Q And why do you track -- do you track all of 25 your orders?</p>
<p style="text-align: right;">Page 63</p> <p>1 Q And did you receive this order from StockX?</p> <p>2 A I did.</p> <p>3 MS. REINCKENS: Is now a good time for a 4 break? I think we've been going for over an hour.</p> <p>5 MR. HINDMAN: Yes, please.</p> <p>6 MS. REINCKENS: Okay.</p> <p>7 THE VIDEOGRAPHER: Off the record at 8 a.m.</p> <p>9 (Brief interruption in proceedings.)</p> <p>10 THE VIDEOGRAPHER: Back on the record, 11 beginning media unit two at 11:01 a.m.</p> <p>12 MS. REINCKENS: Mark this as Exhibit 13 No. 33.</p> <p>14 (Plaintiff's Exhibit 33 was marked for 15 identification by the Certified Shorthand Reporter 16 and is attached hereto.)</p> <p>17 MS. REINCKENS: Okay.</p> <p>18 BY MS. REINCKENS:</p> <p>19 Q Mr. KIM, you've been handed a document 20 marked as Exhibit No. 33. It bears the Bates numbers 21 RK 13 through RK 14.</p> <p>22 Do you see that?</p> <p>23 A Yes.</p> <p>24 Q And the document that had the Bates numbers 25 RK, those are documents that were produced by your</p>	<p style="text-align: right;">Page 65</p> <p>1 A I do. I track every single shoe that I buy 2 and sell because the reselling thing I kind of do for 3 fun and I'm interested in the economics of it.</p> <p>4 So I do track every single shoe I buy and 5 sell, the price that they sold for just to 6 understand, like, what the ROI and stuff on that is.</p> <p>7 So, yes.</p> <p>8 Q So if we were to compare this spreadsheet 9 to the documents that we previously reviewed as 10 exhibits, the order numbers would match up; is that 11 right?</p> <p>12 A I didn't put order numbers on this sheet. 13 I didn't keep track of the order numbers themselves.</p> <p>14 There should be a high degree of overlap on 15 this. If I recall -- because this was the batch of 16 shoes that I had set aside to have looked at, so I 17 think there's a high degree of overlap.</p> <p>18 But I didn't reconcile my notations of fake 19 with what ultimately was returned to StockX or 20 verified as a fake by Nike.</p> <p>21 Q And you received all of the orders that are 22 shown here on this spreadsheet; is that right?</p> <p>23 MR. POTTER: Objection to form.</p> <p>24 THE WITNESS: I believe so, yes.</p> <p>25 //</p>

<p style="text-align: right;">Page 74</p> <p>1 MS. REINCKENS: You may answer. 2 THE WITNESS: I am. 3 MS. REINCKENS: Okay. 4 BY MS. REINCKENS: 5 Q And who is -- if you can tell me, as far as 6 you know, received similar advice? 7 A It's one of the people that I -- another 8 one of the power resellers that messaged on 9 Instagram. 10 Q Okay. 11 A He's also the one that was referenced on 12 Exhibit No. 35, in that screenshot chat. He's the 13 same person. 14 Q Okay. 15 And do you happen to recall his screen 16 name? 17 A I don't recall it right now, but I could 18 probably look it up on my Instagram if I needed to. 19 Q All right. 20 Now, speaking of Instagram, if you could 21 please mark this as Exhibit No. 36. 22 MR. POTTER: I think we're at Exhibit No. 23 37. 24 THE COURT REPORTER: For clarity, it's 25 Exhibit No. 37.</p>	<p style="text-align: right;">Page 76</p> <p>1 account "sneakerstrut"? 2 A About four or five years, I believe. 3 Q Okay. 4 And what kind of content do you post on the 5 "sneakerstrut" account? 6 A So, it's mostly just like a personal 7 sneaker diary. I just like to take a picture of 8 whatever shoe I'm wearing that day and just post it 9 there. 10 I also would use -- because a lot of my 11 following are Instagram resellers or other sneaker 12 influencers, sometimes I'll use stories to just talk 13 about the market of the re-sell or -- you know, just 14 stories that have to do with sneaker reselling. 15 Q Okay. And do you have any idea of what 16 type of users follow your account? 17 MR. POTTER: Objection to form. 18 THE WITNESS: I have a lot of friends that 19 follow, mostly sneaker enthusiasts. Some sneaker 20 resellers and a lot of bots unfortunately. 21 MS. REINCKENS: Okay. I'll mark this, 22 please, as Exhibit No. 38. 23 (Plaintiff's Exhibit 38 was marked for 24 identification by the Certified Shorthand Reporter 25 and is attached hereto.)</p>
<p style="text-align: right;">Page 75</p> <p>1 MS. REINCKENS: Oh, it is. Did I mess it 2 up already? Oh, yes. Thank you. 3 It's exhibit No. 37. Thank you. 4 (Plaintiff's Exhibit 37 was marked for 5 identification by the Certified Shorthand Reporter 6 and is attached hereto.) 7 THE WITNESS: Thank you. 8 MS. REINCKENS: Okay. 9 BY MS. REINCKENS: 10 Q Mr. Kim, the court reporter has handed you 11 a document marked as Exhibit No. 37 and I will 12 represent to you that this a printout of your 13 Instagram page -- 14 A It is? 15 Q -- that was taken yesterday on February 16 seventh, 2023. 17 Do you recognize this document to be a 18 printout of your Instagram page? 19 A I do. 20 Q Okay. 21 And your Instagram username is 22 "sneakerstrut"; is that right? 23 A It is. 24 Q Okay. 25 How long have you been using the Instagram</p>	<p style="text-align: right;">Page 77</p> <p>1 THE WITNESS: Thank you. 2 BY MS. REINCKENS: 3 Q Mr. Kim, the court reporter has handed you 4 a document marked as Exhibit No. 38. And I'll 5 represent to you that this is a printout of -- taken 6 on February seventh, 2023, at 1:55 p.m. of your 7 Instagram account and, in particular, a post that was 8 made on July fifth, 2022. 9 Do you recognize this post, sir? 10 A I do. 11 Q Okay. 12 And what is it? 13 A It was the post that I made saying that I 14 had received a bunch of shoes that had failed Legit 15 Check and CheckCheck Application. 16 And so just documenting what I believe were 17 fake shoes sold by StockX. 18 Q Okay. 19 And you posted this then on July fifth, 20 2022; correct? 21 A That is correct, yes. 22 Q Okay. 23 All right. You can put that to the side. 24 MS. REINCKENS: Mark this as Exhibit 25 No. 39, please.</p>

<p style="text-align: right;">Page 78</p> <p>1 (Plaintiff's Exhibit 39 was marked for 2 identification by the Certified Shorthand Reporter 3 and is attached hereto.)</p> <p>4 THE WITNESS: Thank you.</p> <p>5 BY MS. REINCKENS:</p> <p>6 Q Now, Mr. Kim, you've been handed a document 7 marked as Exhibit No. 39. It bears the Bates numbers 8 NIKE 36330 through NIKE 36338. And I will represent 9 to you that this is a printout from Page Vault and 10 Page Vault is a service that is used to capture web 11 content and it was produced in this case by Nike.</p> <p>12 I will represent to you that is -- it 13 captures the same Instagram post that we just looked 14 at in Exhibit No. 38.</p> <p>15 Just looking at this document, sir, does 16 this appear to be an accurate capture of that post?</p> <p>17 A Yes.</p> <p>18 Q And this document is a little bit difficult 19 to follow, but if you look at the cover page it has 20 the capture time stamp.</p> <p>21 Do you see that?</p> <p>22 A Yes. I see the capture timestamp yes.</p> <p>23 Q What is the date of that capture?</p> <p>24 A It says Tuesday, the 12th of July 2022 --</p> <p>25 Q Okay.</p>	<p style="text-align: right;">Page 80</p> <p>1 Q Okay. 2 And if you could, please, just read that 3 caption into the record?</p> <p>4 A "This is what \$10,000 plus of fake sneakers 5 that passed through StockX looks like. I bought 6 about 62 pairs of Uni Mocha Hyper Royals through 7 StockX over the last month. Of those 36 have failed 8 authentication at CheckCheck and Legit Check App. I 9 haven't tried to sell them through Ebay or GOAT, but 10 somebody else who's been buying their pairs from 11 StockX told me these pairs have been failing through 12 GOAT authentication at a very high rate. This means 13 that StockX's authentication on these pairs is only 14 42 percent accurate, 58 percent of the pairs they are 15 selling will be marked as 'not legit' consistently by 16 other sources. There's a huge problem here. Of 17 course, StockX support is silent when brought up 18 through support channels. Any human authentication 19 system is going to have errors, but whatever StockX 20 is doing right now is not working and the ability to 21 fix these errors is nearly non-existent. Hashtag 22 StockX."</p> <p>23 Q Now, when you referenced in the first 24 sentence, "sneakers that passed through at StockX 25 looks like," did you tag StockX there?</p>
<p style="text-align: right;">Page 79</p> <p>1 A -- at 8:32 GMT.</p> <p>2 Q All right.</p> <p>3 And is -- can you please confirm that this 4 post is still visible on your Instagram account --</p> <p>5 A It is still --</p> <p>6 Q -- today?</p> <p>7 A It is still visible today, yes.</p> <p>8 Q Okay.</p> <p>9 Now, if you look at page four, it's the 10 document that ends in -- or that's Bates numbered 11 36333. There's a large block of text underneath the 12 images.</p> <p>13 Do you see that?</p> <p>14 A On page three?</p> <p>15 Q It's -- yes, page three of eight or 16 otherwise NIKE 36333.</p> <p>17 A Oh, yeah, I see it.</p> <p>18 Q Okay.</p> <p>19 And what is the large text that appears 20 under the images?</p> <p>21 A That is the description of the Instagram 22 post that I make.</p> <p>23 Q Okay.</p> <p>24 And so did you write this, sir?</p> <p>25 A I did.</p>	<p style="text-align: right;">Page 81</p> <p>1 A Did I tag StockX there, yes.</p> <p>2 Q Okay.</p> <p>3 So that would be a tag back to StockX's 4 Instagram account then; correct?</p> <p>5 A Yes.</p> <p>6 Q All right.</p> <p>7 And as far as you're aware would StockX 8 receive notice of being tagged in your post?</p> <p>9 MR. POTTER: Objection to form.</p> <p>10 THE WITNESS: I don't know how those big 11 business accounts work, but I would imagine they do.</p> <p>12 MS. REINCKENS: Okay. Thank you.</p> <p>13 BY MS. REINCKENS:</p> <p>14 Q Now, underneath your caption is says, 15 "Edited."</p> <p>16 Do you see that?</p> <p>17 A Yes.</p> <p>18 Q Okay.</p> <p>19 What does that mean?</p> <p>20 A It means I modified the description from 21 the first time I posted to what the final version 22 was.</p> <p>23 Q Do you recall how you edited it?</p> <p>24 A I do not recall.</p> <p>25 It was probably punctuation error or</p>

<p style="text-align: right;">Page 82</p> <p>1 something with the spelling.</p> <p>2 Q Now, on the same page you say "StockX</p> <p>3 support is silent when brought up through support</p> <p>4 channels."</p> <p>5 What did you mean by that?</p> <p>6 A I meant that I had reached out through</p> <p>7 their help channels on their website. I received no</p> <p>8 notification at this time. Although Discord isn't an</p> <p>9 official support channel, I kind of included that in</p> <p>10 my mind where I tried to reach out through their</p> <p>11 Discord as well and have not received any response</p> <p>12 except from this at DarkJ reported to be a StockX</p> <p>13 employee.</p> <p>14 Q Thank you.</p> <p>15 MS. REINCKENS: Mark this as Exhibit</p> <p>16 No. 40, please.</p> <p>17 (Plaintiff's Exhibit 40 was marked for</p> <p>18 identification by the Certified Shorthand Reporter</p> <p>19 and is attached hereto.)</p> <p>20 MS. REINCKENS: Okay.</p> <p>21 BY MS. REINCKENS:</p> <p>22 Q Mr. Kim, the court reporter has handed you</p> <p>23 a document that's been marked as Exhibit No. 40. It</p> <p>24 bears the Bates No. NIKE 29207, excuse me.</p> <p>25 And do you recognize this document, sir?</p>	<p style="text-align: right;">Page 84</p> <p>1 for Nike to look at them.</p> <p>2 Q And were those the same pairs that were</p> <p>3 depicted in your Instagram post?</p> <p>4 A Yes, and a few more.</p> <p>5 Q Okay.</p> <p>6 And were those the same pairs as the order</p> <p>7 confirmations that we reviewed earlier, sir?</p> <p>8 A Yes.</p> <p>9 MR. POTTER: Objection.</p> <p>10 THE WITNESS: I'm sorry.</p> <p>11 MR. POTTER: Objection to form.</p> <p>12 BY MS. REINCKENS:</p> <p>13 Q Did each pair come from StockX?</p> <p>14 A Yes.</p> <p>15 Q And how can you be sure of that?</p> <p>16 A The ones that I had set aside still had --</p> <p>17 well, most of them had still the StockX tags attached</p> <p>18 to them.</p> <p>19 So StockX, when they authenticate their</p> <p>20 shoes, attaches a tag that you cannot be removed --</p> <p>21 well, you can remove it, but you cannot reattach it,</p> <p>22 so these were still -- and that's how they embed,</p> <p>23 like, the order number on the RFI to you.</p> <p>24 So most of the ones I had set aside still</p> <p>25 had the StockX tag on them. I had a few that I</p>
<p style="text-align: right;">Page 83</p> <p>1 A I do.</p> <p>2 Q Okay.</p> <p>3 And what is it?</p> <p>4 A It is an email from Tamar -- I'm going to</p> <p>5 butcher the last name -- Tamar Duvdevani, a lawyer at</p> <p>6 DLA Piper who represents Nike, asking me to -- if I</p> <p>7 would speak with her about my Instagram post.</p> <p>8 Q And when did you receive this email?</p> <p>9 A July 11th, 2022.</p> <p>10 Q And is this the first time you were</p> <p>11 contacted by anyone from the Nike team?</p> <p>12 A Yes.</p> <p>13 Q Is it correct also that on July -- July</p> <p>14 22nd, 2022, representatives from Nike inspected the</p> <p>15 shoes?</p> <p>16 A Yes.</p> <p>17 Q Do you recall where the inspection took</p> <p>18 place?</p> <p>19 A At my home.</p> <p>20 Q Do you recall who was present?</p> <p>21 A Yes, you were, Melissa and then a product</p> <p>22 authenticator from Nike. I do not remember his name.</p> <p>23 Q And how did you set aside the pairs that</p> <p>24 were inspected by Nike?</p> <p>25 A I set them on my rooftop table to -- yeah,</p>	<p style="text-align: right;">Page 85</p> <p>1 prematurely removed the tags, that I just wanted, you</p> <p>2 know, to know if they were fake or not so I knew</p> <p>3 what to do with them.</p> <p>4 So, yeah.</p> <p>5 Q And did any of those shoes come without</p> <p>6 tags?</p> <p>7 MR. POTTER: Objection to form.</p> <p>8 THE WITNESS: From StockX, no. All the</p> <p>9 StockX shoes came with tags.</p> <p>10 BY MS. REINCKENS:</p> <p>11 Q After receiving the shoes initially from</p> <p>12 StockX, how did you store them?</p> <p>13 A They were stored in my garage.</p> <p>14 Q And after Nike left, what did you do with</p> <p>15 the shoes?</p> <p>16 MR. POTTER: Objection to form.</p> <p>17 THE WITNESS: I packaged them up and sent</p> <p>18 them back with the labels that my StockX</p> <p>19 representative had sent me to send back to StockX.</p> <p>20 BY MS. REINCKENS:</p> <p>21 Q About how soon after the inspection on July</p> <p>22 22nd, did you return the shoes to StockX?</p> <p>23 A Within days.</p> <p>24 Q Did you give the shoes to any other parties</p> <p>25 before returning them to StockX?</p>

<p style="text-align: right;">Page 174</p> <p>1 I think as far as reselling is concerned, I 2 am more sophisticated in my use of that platform, but 3 I actually think StockX is used by a lot of, like, 4 non-sneaker heads, too, to purchase shoes. 5 BY MR. POTTER: 6 Q Do you believe that other sneaker resellers 7 are more sophisticated than average sneaker 8 purchasers? 9 A Yes. 10 MR. POTTER: No further questions. 11 MS. REINCKENS: Thank you. 12 THE VIDEOGRAPHER: Off the record at 13 p.m. concluding today's deposition. 14 (Deposition ended at 1:40 p.m.) 15 /// 16 /// 17 /// 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 176</p> <p>1 JESSE HINDMAN, ESQ. 2 jeese@erhlfirrm.com 3 February 13, 2023 4 RE: Nike, Inc. v. Stockx, LLC 5 2/8/2023, Roy Ikhyun Kim (#5689465) 6 The above-referenced transcript is available for 7 review. 8 Within the applicable timeframe, the witness should 9 read the testimony to verify its accuracy. If there are 10 any changes, the witness should note those with the 11 reason, on the attached Errata Sheet. 12 The witness should sign the Acknowledgment of 13 Deponent and Errata and return to the deposing attorney. 14 Copies should be sent to all counsel, and to Veritext at 15 cs-ny@veritext.com 16 17 Return completed errata within 30 days from 18 receipt of testimony. 19 If the witness fails to do so within the time 20 allotted, the transcript may be used as if signed. 21 22 Yours, 23 Veritext Legal Solutions 24 25</p>
<p style="text-align: right;">Page 175</p> <p>1 STATE OF CALIFORNIA) 2) ss. 3 COUNTY OF LOS ANGELES) 4 I, Lynda L. Fenn, Certified Shorthand 5 Reporter No. 12566 for the State of California, do 6 hereby certify: 7 That prior to being examined, the witness named 8 in the foregoing deposition was duly sworn to testify 9 the truth, the whole truth, and nothing but the 10 truth; 11 That said deposition was taken down by me in 12 shorthand at the time and place therein named and 13 thereafter reduced by me to typewritten form and that 14 the same is a true, correct, and complete transcript 15 of said proceedings. 16 Before completion of the deposition, review of 17 the transcript [X] was [] was not requested. If 18 requested, any changes made by the deponent (and 19 provided to the reporter) during the period allowed 20 are appended hereto. 21 I further certify that I am not interested in 22 the outcome of the action. 23 Witness my hand this 13th day of February, 2023. 24 25  Lynda L. Fenn, CSR, RPR</p>	<p style="text-align: right;">Page 177</p> <p>1 Nike, Inc. v. Stockx, LLC 2 Roy Ikhyun Kim (#5689465) 3 E R R A T A S H E E T 4 PAGE____ LINE____ CHANGE____ 5 _____ 6 REASON____ 7 PAGE____ LINE____ CHANGE____ 8 _____ 9 REASON____ 10 PAGE____ LINE____ CHANGE____ 11 _____ 12 REASON____ 13 PAGE____ LINE____ CHANGE____ 14 _____ 15 REASON____ 16 PAGE____ LINE____ CHANGE____ 17 _____ 18 REASON____ 19 PAGE____ LINE____ CHANGE____ 20 _____ 21 REASON____ 22 _____ 23 _____ 24 Roy Ikhyun Kim Date 25</p>

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